

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 30
August 7, 2013
UNOFFICIAL DRAFT - 8/7/13 Afternoon Session

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VOLUME XXX

IN THE UNITED STATES ARMY

UNITED STATES

VS.

MANNING, Bradley E., Pfc. COURT-MARTIAL

U.S. Army, xxx-xx-9504

Headquarters and Headquarters Company,

U.S. Army Garrison,

Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

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The Hearing in the above-titled matter was continued on Wednesday, August 7, 2013, at 3:00 p.m., at Fort Meade, Maryland, before the Honorable Colonel Denise Lind, Judge.

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1 APPEARANCES:

2
3 ON BEHALF OF GOVERNMENT:

4 MAJOR ASHDEN FEIN

5 CAPTAIN JOSEPH MORROW

6 CAPTAIN ANGEL OVERGAARD

7 CAPTAIN HUNTER WHYTE

8 CAPTAIN ALEXANDER von ELTEN

9
10 ON BEHALF OF ACCUSED:

11 DAVID COOMBS

12 CAPTAIN JOSHUA TOOMAN

13 MAJOR THOMAS HURLEY

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August 7, 2013

WITNESS: ADAM PEARSON

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1 PROCEEDINGS,

2 THE COURT: Court's called to order.

3 Major?

4 MR. FEIN: Yes, ma'am. This is an
5 unclassified session and all parties when the Court
6 last recessed are again present with the following
7 exception: Captain Overgaard is absent, Captain von
8 Elten is present.

9 Also, the Court Security Officer completed
10 his opening hearing checklist to be filed.

11 THE COURT: All right.

12 Before we call the witness, the Court is
13 prepared to rule on the Defense objections regarding
14 Major General Nagata and Colonel Chessnut on 7
15 August 2013.

16 In accordance with the procedures
17 established and the Court's ruling, Defense Motion for
18 Appropriate Relief under R.C.M. 1001(b)(4) the Defense
19 filed 14 objections to the testimony of Major General
20 Nagata and Colonel Chessnut.

21 The Defense objections were from testimony

1 given in closed session and the substance of the
2 objections is classified. The Government compiled a
3 joint classified filing, including the Defense
4 objections and the Government responses to the
5 objections.

6 The Court's ruling on each objection is as
7 follows -- and in the ruling when I say evidence that
8 includes testimony:

9 One, the statements are admissible as a
10 hearsay exception under MRE8033.

11 Two, this evidence is directly related to
12 and resulting from the PFC Manning's offenses, it is
13 admissible aggravation evidence under R.C.M 1001(b)(4).

14 Three, for purposes of this ruling, PFC
15 Manning's offenses and the subsequent WikiLeaks
16 releases are incident one. There are two other
17 incidents referenced by Major General Nagata, the
18 testimony at issue is directly related to and resulting
19 from PFC Manning's offenses from the time of the
20 WikiLeaks releases until incident two. For that
21 period, the testimony is proper aggravation evidence

1 under R.C.M. 1001(b)(4). Incidents two and three are
2 intervening causes that played a major role continuing
3 the effects testified by Major Nagata for incident one.
4 The effects (inaudible) temporary in duration but for
5 the occurrences of incidents two and three. The Court
6 will not consider the testimony for the period
7 following incident two in accordance with MRE403.

8 Four, the ruling of three above is the same
9 for this objection.

10 Five, the documents at issue were required)
11 after incident two. This evidence is not directly
12 related to or resulting from PFC Manning's offenses and
13 is not admissible under R.C.M. 1001(b)(4). The Court
14 will not consider this evidence.

15 Six and seven, the ruling in three above is
16 the same for these objections.

17 Eight, this evidence is directly related to
18 and resulting from PFC Manning's offenses. It is
19 admissible aggravation evidence under R.C.M 1001(b)(4).

20 Nine, the statements at issue are not being
21 offered for the truth of the matter asserted. They are

1 not hearsay and they are admissible for the fact the
2 statements that were made are in the purported cable at
3 issue. The statements made are relevant to explain the
4 evidence in eight above and are admissible evidence,
5 aggravation evidence under R.C.M. 1001(b)(4).

6 Ten, this evidence is directly related to
7 and resulting from PFC Manning's offenses. It's
8 admissible aggravating evidence under R.C.M.
9 1001(b)(4).

10 Eleven, the statements are admissible as
11 hearsay exception under MRE8033.

12 Twelve, the documents at issue were
13 required after incident two. This evidence is not
14 directly related to or resulting from PFC Manning's
15 offenses and is not admissible under R.C.M. 1001(b)(4).
16 The Court will not consider this evidence.

17 Thirteen, the evidence is directly related
18 to and resulting from the PFC Manning's offenses. It
19 is admissible aggravation evidence under R.C.M.
20 1001(b)(4). This evidence is directly related to and
21 resulting from PFC Manning's offenses. It is

1 admissible aggravation evidence under R.C.M.
2 1001(b)(4). MRE403 analysis, the probative value of
3 those portions of the testimony and evidence ruled
4 admissible as aggravation evidence under R.C.M.
5 1001(b)(4) is not substantially outweighed by the
6 danger of unfair prejudice under Military Rule of
7 Evidence 403. The Court has limited the scope of the
8 testimony and the evidence to the period directly
9 related to or resulting from PFC Manning's offenses.
10 So ordered this 7th day of August, 2013.

11 Major Fein, if you would remind me the
12 Defense objections and Government responses that was
13 filed is Appellate Exhibit .

14 MR. FEIN: Your Honor, Appellate
15 Exhibit 642.

16 THE COURT: All right. I will hand this to
17 the court reporter.

18 Is there anything further with respect to
19 those objections?

20 MR. FEIN: No, ma'am.

21 MR. HURLEY: No, ma'am.

1 THE COURT: Anything we need to address
2 before we call the witness?

3 MR. FEIN: No, ma'am.

4 MR. HURLEY: Not from the Defense, ma'am.

5 THE COURT: Call the next witness.

6 MR. von ELTEN: Your Honor, the United
7 States called Mr. Adam Pearson.

8 MR. von ELTEN: Please raise your right
9 hand.

10 Whereupon,

11 ADAM PEARSON,
12 called as a witness, having been first duly sworn to
13 tell the truth, the whole truth, and nothing but the
14 truth, was examined and testified as follows:

15 DIRECT EXAMINATION BY MR. von ELTEN:

16 Q For the record you're Mr. Adam Pearson of
17 Sterling, Virginia?

18 A That's correct.

19 Q Mr. Pearson, what is your military
20 background?

21 A Military background was, I was an E5 in the

1 Navy when I got out in 2002. I was an Arabic linguist.

2 Q How long were you in the Navy?

3 A Five and a half years. I was STOP LOSS
4 after 9/11.

5 Q How did you learn to speak Arabic?

6 A I went to the Defense Language Institute in
7 Monterey.

8 Q How long were you at the Defense Language
9 Institute?

10 A Approximately two years.

11 Q Did you study anything other than Arabic?

12 A What time I was there, no.

13 Q Did you receive any certification in your
14 language abilities?

15 A Yes. I was certified as proficient in the
16 language and then afterwards there's a follow-on six
17 months course in San Antonio, I'm sorry, in San Angela,
18 Texas where we did more of intel side.

19 Q Just for the record, what language were you
20 certified as proficient in?

21 A The Arabic language, as well as I also

1 tested in German and French as well.

2 Q What were your certifications in those
3 languages?

4 A I was advanced proficient in German and
5 proficient in French.

6 Q What was this additional training you
7 completed after the Defense Language Institute?

8 A It was basically a course in signals
9 intelligence.

10 Q How long did it last?

11 A About six months.

12 Q What did it cover?

13 A It covered mainly dealing with ground
14 forces, just basically battlefield talk and how
15 different militaries use different words to describe
16 things. Just basically preparing us for our regular
17 tours that we'd be doing.

18 Q Mr. Pearson, if any of my questions require
19 a classified response, please notify the Court.

20 A Absolutely.

21 Q What did you do in the Navy after

1 completing your language training?

2 A I was assigned to Ft. Gordon, Georgia and I
3 was assigned to an NSA unit there.

4 Q And what, generally speaking, what did you
5 do?

6 A Basically we were, I was a voice collector
7 against the Iraqi military in the late '90s that were
8 conducting operations against coalition aircraft where
9 they were trying to shoot down our aircraft and our job
10 was to basically monitor their methods for that and
11 then report on it.

12 Q How long were you in that role?

13 A About three years.

14 Q What did you do after your service to the
15 AG?

16 A After STOP LOSS, after about a six-month
17 stint with the STOP LOSS, I took a job as a contractor
18 with a Government agency in the DC area.

19 Q What did you do in that position?

20 A The first couple of years I was assigned to
21 what's known as the National Media Exploitation Center.

1 Q What years were those?

2 A It was 2002 to 2004.

3 Q What did you do at the National Media
4 Exploitation Center?

5 A Well, when the troops would go out and they
6 would collect, I guess you could call it seized media
7 from the battlefield, whether that's a hard drive or
8 pocket litter or what have you, our job was to go
9 through and analyze, translate just the materials that
10 were found.

11 Q Where were these materials originally?

12 A At first it was mainly Afghanistan, and
13 then it included Iraq after that.

14 Q What was your job title?

15 A When I was at NMEC, I was an Arabic
16 language team leader.

17 Q What did you do after NMEC?

18 A The sponsoring U.S. Government agency
19 pulled us out of there and I was placed in another
20 office doing counterterrorism.

21 Q How long were you in that position?

1 A About two or three years we were in the
2 field assisting with some special ops units and other
3 things that would probably be best left for a closed
4 session.

5 Q Did that involve the Arabic language?

6 A Yes, absolutely.

7 Q Did you perform targeting analysis in that
8 position?

9 A Yes.

10 Q What did you do after that?

11 A After that I switched to another office
12 within this agency and I performed duties that deal
13 with information operations.

14 Q Did that involve online activities?

15 A Yes. It was, we had a (inaudible) internet
16 opposite branch.

17 Q How long were you in that position?

18 A Approximately two years.

19 Q What was your next position?

20 A Next position was working with the 902nd,
21 315th doing counterintelligence. It was doing

1 counter-hacking. We were looking at those who tried to
2 break into DoD systems and we just identify them and I
3 was doing that in both German and Arabic.

4 Q What organization were you working for
5 then?

6 A That was the 902nd.

7 Q And how long?

8 A About a year approximately. It was kind of
9 a far distance from where I lived, so there's --

10 Q What did you do after that?

11 A After that I worked for a startup company
12 called WCG and that had various roles. We had a
13 contract within one of the Government agencies doing
14 IO.

15 We also had, we were building software
16 applications to be used by Homeland Security and US
17 Border Patrol.

18 And then I also went on a, somewhat of a
19 guest speakership local tour with National Defense
20 University, Westminster Institute, University of
21 Southern California. That was on a satellite

1 conference talking about internet radicalization and
2 how the adversaries use the internet.

3 Q What was your job title at WCG?

4 A I was the VP of Digital Media Strategies.

5 Q You mentioned a few things. What kind of
6 software applications?

7 A Basically software that you could send a
8 message to somebody and plot it on a map right away
9 it's called Grid Me Now.

10 Another thing we worked on was a portal for
11 the special forces guys, one of the SEAL teams. And
12 then other stuff that was -- dealt with internet
13 operations and that was with, the specific Government
14 agency that -- we'll leave it at that.

15 Q Can you speak a little more about what
16 your -- what you lectured on?

17 A Sure. Basically my expertise was being
18 able to look at the internet forums, the blogs, and
19 obviously I speak Arabic so I was able to read what the
20 adversary was saying about the US military, about the
21 US in general.

1 A lot of it dealt with -- I would have to
2 say just pure propaganda that really -- it was so bad
3 that I remember when Abu Ghraib story came out some of
4 the fervent Jihadist downplayed it because it wasn't as
5 bad as what they were telling people, which was the
6 Americans drink baby blood and use -- use the organs of
7 Palestinians to sell to Jewish people in New York. I
8 mean, these are all things that I would come across.

9 So, we're dealing with a whole different
10 ball of wax when it came to what they were saying about
11 us.

12 Q Where were these forums and blogs?

13 A Well, there's, I mean there's probably 300
14 or so Jihadist centric web sites. The main ones would
15 probably be that we looked at the most is asansar.com,
16 alajihad.com, ashemic (phonetic), alamada (phonetic).
17 I could go on and on. There's a whole bunch of them.

18 Q What specialized training have you received
19 for network exploitation?

20 A Network exploitation, I'm a certified
21 ethical hacker, which actually falls under a duty

1 director A570, I believe.

2 Q When did you receive that certification?

3 A This was roughly two and a half, three
4 years ago.

5 Q So roughly around 2011?

6 A That's correct.

7 Q What is a certified ethical hacker?

8 A What they do is they have a 60-hour boot
9 camp and they basically train you on how hackers do
10 what they do, on how they break into your systems,
11 whether that's via a vulnerable web app or through
12 network exploitation.

13 If you have Adobe Software, something
14 that's not updated, there's ways that you can exploit
15 that. And they teach you the different methods.

16 I had a background in this stemming from
17 work I had done a few years earlier and then I was able
18 to augment that with this type of training.

19 Q Did you have to pass a test to be
20 certified?

21 A Yes, I did.

1 Q Did you pass?

2 A Yes, I did, yes.

3 Q Let's talk a little bit about your most
4 recent position at JIEDO.

5 A Sure.

6 Q What is JIEDO?

7 A It's the Joint IED Defeat Organization.
8 And I worked at the COIC, which I'll explain in a
9 second.

10 JIEDO is divided up into three missions:
11 One is attack the network. The other is defeat the
12 device. And the third is train the force.

13 I worked on the attack the network part of
14 that. Now, what that means is we're dealing
15 specifically with an IED network. IED, improvised
16 explosive device.

17 If you think of an IED network, you may be
18 thinking the network is a circuit board or something.
19 In actuality, to carry off a suicide bombing, vehicle
20 born IED or various other types of IEDs, there's a
21 whole process to it. There's financing, there's

1 recruitment, there's the person that has to attain a
2 car or whatever vehicle is going to be used, the
3 explosives, the blasting caps. There's a lot of
4 different material that's involved in this.

5 Some, actually quite a few of these TTPs
6 which is tactics, techniques and procedures, can be
7 found online.

8 So one of my duties there was to find the
9 stuff online and to report on it.

10 MR. von ELTEN: That's all for the open
11 session, Your Honor.

12 THE COURT: Do you have any open cross?

13 MR. TOOMAN: No, ma'am.

14 THE COURT: So is there any need to have
15 another open session today?

16 MR. TOOMAN: Not from the perspective of
17 the Defense no, ma'am.

18 MR. FEIN: No, ma'am.

19 THE COURT: Then we should advise the
20 public and the members of the gallery what time you
21 would like to start in the morning. Would you like to

1 confer?

2 MR. FEIN: Yes, ma'am. One moment, please.

3 09:30 tomorrow, ma'am.

4 THE COURT: Is that acceptable to the
5 Defense?

6 MR. TOOMAN: Yes, ma'am. We'll have the
7 opportunity this afternoon or this evening to interview
8 the first witness for tomorrow.

9 THE COURT: We'll be recessing the Court to
10 move into closed session. The next open session for
11 the members in the gallery will be at 09:30 tomorrow
12 morning.

13 (Court in recess.)

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